

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**IN RE: MIRENA IUD PRODUCTS  
LIABILITY LITIGATION**

MDL No. 2434

**TRANSFER ORDER**

**Before the Panel:**\* Plaintiffs in the action listed on Schedule A (*Miller*) move under Panel Rule 7.1 to vacate our order conditionally transferring their action to MDL No. 2434. Defendant Bayer HealthCare Pharmaceuticals, Inc. (Bayer) opposes the motion to vacate and supports transfer.

After considering the argument of counsel, we find that the *Miller* action shares common questions of fact with the actions previously transferred to MDL No. 2434, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Like many of the already-centralized actions, plaintiffs allege that they experienced uterine perforation or embedment injuries as a result of the Mirena IUD, and do not dispute that their action shares questions of fact with MDL No. 2434. We further find that transfer of this action is appropriate for the reasons set out in our original order directing centralization in this docket. In that order, we held that the Southern District of New York was an appropriate Section 1407 forum for actions involving the alleged risk of uterine perforation and migration associated with the Mirena IUD and the adequacy of the product's warning label with respect to those risks. *See In re: Mirena IUD Prods. Liab. Litig.*, 938 F. Supp. 2d 1355, 1356 (J.P.M.L. 2013).

In support of the motion to vacate, plaintiffs argue that this action was improperly removed and their motion to remand to state court is pending. The Panel often has held that jurisdictional issues do not present an impediment to transfer, as plaintiffs can present such arguments to the transferee judge.<sup>1</sup> *See, e.g., In re: Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001).

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\* Judge Marjorie O. Rendell and Judge Lewis A. Kaplan took no part in the decision of this matter.

<sup>1</sup> Moreover, under Panel Rule 2.1(d), the pendency of a conditional transfer order does not limit the pretrial jurisdiction of the court in which the subject action is pending. Between the date a remand motion is filed and the date that transfer of the action to the MDL is finalized, a court generally has adequate time to rule on a remand motion if it chooses to do so.

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IT IS THEREFORE ORDERED that this action is transferred to the Southern District of New York and, with the consent of that court, assigned to the Honorable Cathy Seibel for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, reading "Sarah S. Vance", is positioned above a horizontal line.

Sarah S. Vance  
Chair

Charles R. Breyer  
R. David Proctor

Ellen Segal Huvelle  
Catherine D. Perry

**IN RE: MIRENA IUD PRODUCTS  
LIABILITY LITIGATION**

MDL No. 2434

**SCHEDULE A**

Eastern District of Missouri

MILLER, ET AL. v. BAYER HEALTHCARE PHARMACEUTICALS, INC.,  
C.A. No. 4:15-01401